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FACSIMILE TRANSMITTAL SHEET

DATE: April 29, 2004
TO: Examiner Channing Mahatan
Art Unit 1631
FAX NO: 703-872-9306
FROM: Vincent M. DeLuca
RE: Serial No. 09/807,943
Our Ref: 2977-123

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Number of Pages Including This Transmittal Sheet: 6

MESSAGE, IF ANY:

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Serial No.09/807,943

April 29, 2004

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| IN THE UNITED STATES PATENT AND TRADEMARK OFFICE EXPEDITED EXAMINING PROCEDURE UNDER 37 CFR § 1.116 | <i>Application Number</i> | 09/807,943 |
| | <i>Filing Date</i> | April 20, 2001 |
| | <i>First Named Inventor</i> | Yan HONG |
| | <i>Group Art Unit</i> | 1631 |
| | <i>Examiner Name</i> | Channing Mahatan |
| | <i>Attorney Docket Number</i> | 2977-123 |
| <i>Title of the Invention: DNA MARKER PROFILE DATA ANALYSIS</i> | | |

RESPONSE AFTER FINAL UNDER 37 CFR §1.116

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the final Office action mailed January 29, 2004, the following remarks are respectfully submitted.

REMARKS

Claims 1-17 remain pending in this application. Reconsideration of this application is requested.

35 U.S.C. § 101 Rejection

The Examiner again is requested to reconsider the continued rejection of claim 17 as allegedly being directed to non-statutory subject matter. Claim 17 is not directed to stored "non-functional descriptive material" that is simply read or output by a computer.

Claim 17 is directed to an article of manufacture that contains specific encoded data representing a DNA fingerprint, that when coupled to a computer and read by the computer, causes the computer to convert the sequence of classified peak intensity symbols into a unique DNA fingerprint. Thus, claim 17 does in fact recite a functional relationship between the data and the computer in that the data causes the computer to execute a conversion or transformation process that transforms the encoded data from